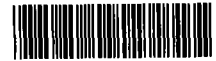




**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



334417

**JUL 17 2009**

REPLY TO THE ATTENTION OF:

URGENT LEGAL MATTER  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

**NOTICE OF DECISION NOT TO USE SPECIAL NOTICE PROCEDURES**

USS Lead Refinery, Inc.  
c/o Robert N. Steinwurtzel  
BINGHAM McCUTCHEN LLP  
2020 K Street N.W.  
Washington, D.C. 2006-1806

Re: The USS Lead Site, 5300 Kennedy Avenue (the area bounded by Chicago Avenue to the north, Parish Avenue to the east, USS Lead to the south and Aster Avenue to the west), East Chicago, Indiana (the Site).

Dear Mr. Steinwurtzel:

This letter notifies you that the United States Environmental Protection Agency (EPA) has determined not to use special notice procedures pursuant to Section 122(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), at the above referenced site regarding the Remedial Investigation/Feasibility Study (RI/FS).

**NOTICE OF POTENTIAL LIABILITY**

As indicated in the general notice letter previously sent to you, EPA has evaluated information in connection with the investigation of the site. EPA has information indicating that you may be a potentially responsible party (PRP) as defined at Section 107(a) of the CERCLA, 42 U.S.C. 9607(a), with respect to hazardous substances at this site. Potentially responsible parties under CERCLA include current and former owners and operators of the site as well as persons who arranged for disposal or treatment of hazardous substances sent to the site, or persons who accepted hazardous substances for transport to the site.

**DECISION NOT TO USE SPECIAL NOTICE**

In this instance EPA has decided that it is inappropriate to invoke the Section 122(e) special notice procedures. EPA believes that using such special notice procedures would not facilitate an agreement between EPA and the PRPs and would not expedite the response action at the site. EPA has reached this conclusion, in part, because of the inability of U.S.S. Lead to finance the RI/FS.

The decision not to use the special notice procedures does not preclude you from entering into discussions with EPA regarding your participation in response activities at the site. This decision simply means that EPA will not use the special notice procedures to govern any future discussions. EPA encourages all PRP offers regarding settlement of this matter and cleanup of this site.

### **ADMINISTRATIVE RECORD**

Pursuant to CERCLA Section 113(k), EPA must establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a site. The administrative record files, which contain the documents related to the response action selected for this site, will be available to the public for inspection and comment. The primary location is the EPA Regional office. The Superfund File room is located on the 7<sup>th</sup> floor, 77 W. Jackson Boulevard, Chicago, Illinois. Many of the documents may also be found at [www.epa.gov/region5/sites/usslead](http://www.epa.gov/region5/sites/usslead).

### **EPA CONTACT**

If you or your attorney have any questions pertaining to this matter, please direct them to Associate Regional Counsel, Steven P. Kaiser. Mr. Kaiser may be reached at (312) 353-3804.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Jaffess', with a long horizontal flourish extending to the right.

Sharon Jaffess, Acting Chief  
Remedial Response Branch I

cc: Indiana Department of Environmental Management

Attachments

## Potentially Responsible Parties

Anaconda Lead Products  
nka Atlantic Richfield Company  
c/o Stephen A. K. Palmer, Esq.  
Managing Attorney  
BP America Inc.  
6 Center Pointe Dr.  
La Palma, CA 90623

E.I. du Pont de Nemours and Company  
c/o Bernard J. Reilly, Corporate Counsel  
Legal Environment Group, D-7082-A  
1007 Market Street  
Wilmington, Delaware 19898

USS Lead Refinery, Inc.  
c/o Robert N. Steinwurtzel  
BINGHAM McCUTCHEN LLP  
2020 K Street N.W.  
Washington, D.C. 2006-1806